

MOTION BY SUPERVISOR GLORIA MOLINA

May 13, 2008

AMENDMENT TO ITEM #54

Recently, this Board approved several employment discrimination legal settlements resulting in significant monetary payouts. Some County departments involved in these settlements conduct their own investigations, with the Office of Affirmative Action Compliance (OAAC) providing only a monitoring role. Many of these departments continue to experience problems conducting timely, thorough, and effective investigations, which significantly impacts our legal exposure. We have a responsibility to ensure that all employee discrimination and harassment cases are conducted in a timely and consistent manner.

The OAAC works to ensure that County government complies with equal employment opportunity and non-discrimination laws and policies. The OAAC initially only monitored employment discrimination complaint investigations conducted by County departments. Over the past decade the OAAC has implemented various Board approved initiatives to improve the County's Employment Discrimination Complaint Process. Over the past four years the OAAC has entered into shared service agreements with the Sheriff, Health Services, Public Health, Fire, Public Works, and Public Social Services, to conduct their employment discrimination investigations. This model has resulted in improved timeliness and effectiveness of investigations and ensures that these departments comply with all risk management protocols. As pointed out, there are some County departments which continue to experience difficulty in complying with the Complaint Process. The reasons for these difficulties include and are not limited to inadequate staffing levels, high turnover rate of investigators, knowledge and

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Yaroslavsky _____

Knabe _____

Antonovich _____

Burke _____

competency factors, and conflict with work mission priorities.

OAAC should assume central investigation authority over departments having difficulties complying with the County's Employment Discrimination Complaint Process. Effective management of complaints and investigations will mitigate County legal exposure and minimize workplace disruptions caused by protracted investigations.

It is my understanding that the OAAC is currently conducting an audit of monitored departments to assess their investigation effectiveness, identify shortages, and recommend changes to improve their process.

I, THEREFORE MOVE, that the CEO direct all affected departments to cooperate with the OAAC's audit and:

1. Report back to the Board on the OAAC's recommendations to improve monitored departments' compliance with the County Employment Discrimination Complaint Process by June 30, 2008; and
2. Identify the costs, opportunities for cost-savings, such as the reallocation of resources from the involved departments, and the efficacy of centralizing the investigative responsibilities of identified departments within the OAAC by June 30, 2008.

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